

BOARD OF SELECTMEN – AUGUST 18, 2014

I. Call to Order

Chairman Kowalski called the Regular Meeting of the Board of Selectmen to order at 6:00 P.M. in the Selectmen's conference room in the Town Offices. Present: Chairman Kowalski-Y and Selectmen Paul Salafia-Y, Alex Vispoli-Y, Mary O'Donoghue-Y. Also present: Town Manager Buzz Stapczynski and Town Clerk Larry Murphy. The meeting was duly posted and cablecast live.

II. Opening Ceremonies

A. Moment of Silence/Pledge of Allegiance

Chairman Kowalski led the meeting in a Moment of Silence and Pledge of Allegiance.

III. Andover Housing Authority Board Vacancy

The Board of Selectmen and the members of the Andover Housing Authority Board (Francis O'Connor, Jack O'Donohue and Dan Grams) were present to interview candidates for the vacancy on the Housing Authority Board. Originally there were three applicants, however, one person withdrew, they were unable to confirm if the second applicant was still viable, which left one applicant to interview, Mary Wesson.

Mary Wesson has been volunteering at the Andover Housing Authority for over twelve years and Mr. O'Connor said she is an outstanding candidate. Mrs. Wesson gave an overview of her qualifications and history as a 57-year resident of Andover. As a retired teacher, Mary, in conjunction with the Andover Police Department and funded through a grant, oversaw an afterschool program to help the children in the family housing units. She also has established a good relationship with those in the elderly housing units and she supports both populations. One of several challenges they face includes funding to keep the environment level up to date. All three of the Andover Housing Board members recommended Mrs. Wesson for the position.

Mr. O'Connor moved to appoint Mary Wesson to fill the opening on the Andover Housing Authority Board. The motion was seconded by Jack O'Donohue and voted 7-0 to approve.

IV. Andover Contributory Retirement Board Vacancy

The Board of Selectmen interviewed two candidates for the vacancy on the Retirement Board – Chris Cook and Thomas Hartwell (two other candidates withdrew their applications). Both candidates provided background information on their qualifications for the position citing their financial experience, education, and qualities that meet the requirements to be considered as viable candidates for the position. Both candidates have backgrounds in banking and finance with varied expertise.

Chairman Kowalski thanked the candidates for applying and cited that their diverse backgrounds make them stellar candidates. The Board will vote their decision at the next meeting on September 15th.

V. Recess

The Board recessed at 6:43 P.M. and resumed the Regular Meeting at 7:04 P.M.

VI. Communications/Announcements/Liaison Reports

The Town Manager made the following announcements:

- ~ The OPEB Subcommittee will meet on Tuesday, August 19th.
- ~ Congratulations to Finance Director Donna Walsh and her staff in the Finance and Accounting Departments who were awarded the Certificate of Achievement for Excellence in Financial Reporting for its Comprehensive Annual Finance Report (CAFR) for the twelfth consecutive year.
- ~ Everyone is invited to attend the meeting of the Retirement Board at 8:00 A.M. on August 28th. Kathy Riley, Sr. Vice President and Actuary from Segal Consulting, will report on the Town's actuarial status.
- ~ Beginning August 19th, High Street will be closed to traffic due to sewer work.

Town Clerk Larry Murphy announced that the State Primary will be held on September 9th with Precincts 1, 7, 7A and 8 voting at the Center at Punchard and all other Precincts voting at the Collins Field House. Voter registration deadline is August 20th and the Town Clerk's Office will remain open until 8:00 P.M. that day to accommodate residents.

Paul Salafia reported that the Planning Board met last week and as part of the discussion on the Merrimack College proposed dormitories a site walk of the property was attended by about one hundred people.

Mary O'Donoghue attended the tour of the School and Town Facilities reported last week and reported that the new Bancroft School is simply spectacular.

Dan Kowalski said the new AHS Football Warrior discount card is available for purchase. He also reported that representatives from North Reading will be discussing the terms of the water contract with Andover at their meeting tonight. Mr. Kowalski also stated that email addresses are being created on the Town's domain for all members of Town Boards (about 100 individuals) limiting the use of personal emails. Letters will be sent out to all individuals apprising them of the email exchange, how to log on, and how to setup their accounts.

VII. Citizens Petitions and Presentations

Angelo Ruggerio, 72 Lowell Street, a retired teacher and long-time resident, read a statement about the effects of the decision made to remove the retired teachers from the GIC Health Insurance Program. He is extremely disappointed in the Town's decision to do so. His family has been adversely affected by this decision. The new insurance plan does not provide adequate benefits plus they experienced an increase in premium costs; the new plan costs them \$272 month with a \$400 deductible with expenses having to be paid up-front and then reimbursed; the GIS plan cost him nothing. He feels the plan design changes were self-serving and he is experiencing difficulty getting treatment for his chronically ill daughter. The retirees are the ones most affected by this decision.

Mary Carbone, 3 Cyr Circle, asked when the Tax PILOT Program would begin. Chairman Kowalski said there have been discussions on the PILOT, Payment in Lieu of Taxes for non-tax paying entities to contribute to the tax base, but they are not at liberty to share the information at this time.

Mike Roli, 2 College Circle, said they were told that benefits for retired teacher's health insurance would remain the same. The Town Manager will check with the Human Resources Department and report back to the Board of Selectmen.

VIII. Public Hearing

A. Columbia Gas of Massachusetts

Selectman Vispoli motioned to approve the request of Columbia Gas of Massachusetts for permission to replace approximately 1,760 feet of existing 4 inch cast iron gas main on Lucerne Drive with 2 inch high pressure HDPE and tie into the 6 inch high pressure steel gas main on Pine Street. Nine services coming off the intermediate pressure gas main on Pine Street have to be replaced/tied over to the existing high pressure gas main on Pine Street. The project is being done due to the condition of the existing main. The approximate location is shown on plan #12-0841473-01. The request has been reviewed and approved by the Municipal Services Director with the condition that a street opening permit must be obtained from the Engineering Division of the Municipal Services Department prior to the commencement of any construction. The motion was seconded by Selectman O'Donoghue and voted 4-0 to approve.

IX. Regular Business of the Board

A. Bancroft Elementary School

Tom Deso, Chairman of the Bancroft Elementary School Building Committee, introduced members of the School Building Committee and all those in attendance who were involved in planning and building the new Bancroft School that started with a Task Force Study in 2006. He said they have held 175 open meetings in addition to executive and sub-committee meetings. SBC member Joe Reilly will be the new Chair

as Tom is retiring and moving to North Carolina. A slide presentation on the various building stages of the new school and the removal of the old school was shown. The new Bancroft School is in the final stages of completion of Phase 3 – completion of the site work. The School Building Committee is returning \$1.1M in surplus funds remaining from the contingency fund to the Town.

Chairman Kowalski thanked Tom and the entire School Building Committee on a job well done for a project that faced many challenges. Paul Salafia said the Selectmen truly appreciate the hard work of the School Building Committee. Alex Vispoli said the project was properly presented to the community for approval at Town Meeting and the SBC demonstrated the need for transparency, with a professional communication strategy that should be a model for future projects. The Town Manager thanked Tom Deso and all the SBC members while pointing out that Mr. Deso also served on the Wood Hill Middle School/High Plain Elementary School Building Project.

B. Merrimack College

Chairman Kowalski provided an update on the status of the proposed Merrimack College dormitory project. A letter was sent to Merrimack from the Board expressing their concern with the placement of the dormitory project and encouraged Merrimack College to look at a different site for the dormitories. Attorney Urbelis updated the Board on the investigation of the original Inter-Municipal Agreement Merrimack College had with Andover and North Andover. Merrimack's attorney provided a copy of a 1948 letter from the Legislature authorizing Merrimack to hook into Andover's sewer system, Merrimack and Andover were authorized to enter into a contract without North Andover having the same. The 1948 Act only authorized a contract between Andover and Merrimack for sewer, not water. Copies of the agreement for water were requested of Merrimack College but they were unable to provide any agreement to authorize North Andover buildings to tie into Andover water. The Special Act took it out of the Inter-municipal Agreement (sewer) and they were silent on water. The Special Act was very limited and only applied to Andover and Merrimack for sewer with North Andover being removed from the equation; although Andover has supplied both water and sewer services without an IMA for water at a much lower rate than North Andover charges.

Melissa Marquis of 33 Rock Ridge Road, said the document of the Special Act authorizing a contract to be signed by both parties has yet to be found. The act authorizes the process but does not mandate it. Joanna Reck of 15 Rock Ridge Road, said they are scheduling a community meeting to discuss ideas on how to reduce traffic which is considered to be most problematic. They also want to find out if Rock Ridge Road can be closed or restricted to traffic and if so, how to start that process. The Board

asked to be kept informed on the date of the community meeting and to invite Chief Keefe and the Safety Officer, etc.

C. Park Property – 138 Chandler Road

Selectman Salafia moved that the Board of Selectmen vote to accept and sign the Deed from Robert A. Park, Robert A. Park, Jr. and Sally Francis, Trustees of the Park Family Trust, to the Town of Andover to a portion of the property at 138 Chandler Road, and authorize the Town Manager to sign any other documents necessary for said property to be acquired by the Town of Andover. The motion was seconded by Mary O'Donoghue and voted 4-0 to approve.

D. Dog Park Rules and Regulations – First Reading

Animal Control Officer Wayne Nader reported that the bids have gone out for fencing the area and they expect to start installation within two weeks of the award as the intent is to open the Dog Park by Labor Day. Town Counsel and the Police Department have both vetted the Rules and Regulations and The Friends of the Andover Dog Park have provided private donations for the Park.

Selectman Vispoli motioned to approve the Rules and Regulations as presented for the Dog Park on High Plain Road. The motion was seconded by Selectman Salafia and voted 4-0 to approve

E. Net Metering Agreement – Second Reading

The Board felt that the answers to their questions were adequately provided at the previous presentation and are satisfied that the milestones built into the agreement provide proper termination options to the Town. Attorney Urbelis advised that if Hectate Energy should ever file bankruptcy, the judge can do whatever he wants, there is no guarantee as the Bankruptcy Court has the power.

Selectman Salafia moved that the Board authorize the Town Manger to sign an agreement with Hecate Energy, LLC, for a term of twenty years, for the purchase of Net Metering Credits generated by the solar energy facility to be constructed in Granby, Massachusetts. The motion was seconded by Selectman O'Donoghue and voted 4-0 to approve.

F. Tennessee Gas Pipeline Project

The Town Manager said Kinder-Morgan would like to meet with Town staff to discuss their letter and alternative routes. Chairman Kowalski also spoke with Kinder-Morgan to schedule a community meeting and they also advised him they would like a more focused meeting with the Town. Selectman Vispoli strongly objects to a closed meeting stating the meeting should be open to the public. The Town Manager was directed to setup a meeting with Kinder-Morgan as soon as possible and to provide a constructive

dialogue of the layout and alternative routes and to advise Kinder-Morgan to schedule a second community meeting as a follow-up. All community members especially stakeholders should be invited, a group of active participants should be defined and small Work Sessions scheduled along with an agenda for the Board. The meeting should be posted on the website and include the date, time and venue. Kinder-Morgan should be prepared to discuss alternate routes. Selectman Salafia requested the Board be provided with the questions prior to the meeting.

G. Town Yard/Municipal Services Facility

The Board and Town staff continued their discussion regarding the Town Yard/Municipal Services Facility. The Town Manager said their procedure is to design a building based on a program, what its use will be drives the cost of the project. Municipal Services Director Chris Cronin reviewed what was really needed for the project which is one of safety and efficiency and providing a facility that offers the proper sizing for vehicle maintenance and staff; they need to build for the future. Reducing the facility by an additional 2,300 sq. ft. reduces the cost to \$17.5M. Making the facility smaller will not work and the Lewis Street site will be in use at a cost. This past year they spent \$60K-\$70K to make the Lewis Street site safer and will spend another \$50-\$100K next year. Alternative #6 in the amount of \$20M would get the facility off of Lewis Street right away. Alternative #2 for \$11M would provide an "as is" facility and Alternative #5 has two phases – \$10M now and another \$21M in ten years. Paul Salafia said the equity of the future use of the Lewis Street should be considered as part of the financial equation. Mr. Cronin will send information to the Town Manager and Board on what programs would be housed at the facility. Selectman Vispoli would like to see a budget established first using the debt tool, then presented to a construction company to see what could be built for that specific amount.

Peggy Kruse, 145 Argilla Road, feels Phase I needs to move the Town Yard out of the current site entirely; Town Meeting cannot force the hand of Town Meeting ten years from now to approve Phase II. Mary Carbone, 3 Cyr Circle, thinks the Public Safety Center and Town Yard should reside together and to rebuild the Town Yard on its current site. John Pasquale, 46B Whittier Street, proposes the Board engage members of the Finance Committee in the process. Mike Roli, College Circle, said people want to know what the tax increase will be.

H. Proposed Meeting Minutes Policy (Time Permitting) – HOLD

X. All Other Business - None

XI. Consent Agenda

A. Appointments and Re-appointments

Selectman Vispoli moved that the following appointments by the Town Manager be approved:

DEPARTMENT	POSITION	RATE	EFF. DATE
<u>ANDOVER FIRE RESCUE</u>			
Brian T. Wright	Lieutenant (v. J. Cuticchia)	G730-1-3/\$77,027	8/8/14
<u>INFORMATION TECHNOLOGY DEPARTMENT</u>			
Gareth N. Thomas	Customer Service Manager	IE-24-1/\$63,430	8/19/14
<u>YOUTH SERVICES</u>			
Alessio Bustillo	Counselor 2 – PT	C3A/\$8.75/hr.	7/24/14
<u>COMMUNITY SERVICES</u>			
Grace E. Bentley	Lifeguard – PT	C2A/\$8.00/hr.	8/4/14
Sami J. Aruri	Counselor – PT	C2A/\$8.00/hr.	7/29/14
<u>MEMORIAL HALL LIBRARY</u>			
Alison Richmond	Page – PT (v. Ashley Richmond)	L1-1/\$8.00/hr.	8/26/14
<u>CULTURAL COUNCIL</u>			
Elizabeth C. Primes – Term expires 6/30/16 (v. L. Kirk)			

The motion was seconded by Selectman Salafia and voted 4-0 to approve.

XII. Approval of Minutes from Previous Meetings

Selectman Vispoli motioned to approve the Regular Meeting Minutes of August 4, 2014 as presented. The motion was seconded by Selectman O'Donoghue and voted 4-0 to approve.

XIII. Executive Session

At 9:23 P.M. Selectman Vispoli moved that the Board vote to go into Executive Session for confidential legal advice with Legal Counsel and to discuss strategy for a potential litigation action and also litigation strategy in the Town's case against Joseph Boyer and collective bargaining strategy and the Chairman declare that a discussion in Open Session would be detrimental to the Town's litigation and negotiating position and also to review Executive Session minutes and to return to Open Session but only for a

possible vote on the release of Executive Session minutes. Roll call: P. Salafia-Y, M. O'Donoghue-Y, A. Vispoli-Y, and D. Kowalski-Y.

Return to Open Session

At 10:35 P.M. the Board moved to adjourn from Executive Session and return to Open Session not to return to Executive Session. Roll call: P. Salafia-Y, M. O'Donoghue-Y, A. Vispoli-Y, and D. Kowalski-Y.

XIV. Approval of Executive Session Minutes – Open Session

Selectman Salafia motioned to approve the release of the following Executive Session minutes as presented. The motion was seconded by Selectman Vispoli and voted 4-0 to approve.

2011

November 7, 2011
November 21, 2011
December 19, 2011

2012

January 9, 2012
May 7, 2012
May 21, 2012
October 15, 2012
November 5, 2012
December 17, 2012

2013

March 18, 2013
June 3, 2013
July 8, 2013
July 29, 2013
August 5, 2013
August 26, 2013
September 17, 2013
October 23, 2013
November 12, 2013
November 25, 2013
December 19, 2013

May 7, 2013
July 1, 2013
July 15, 2013
August 1, 2013
August 8, 2013
September 9, 2013
September 24, 2013
November 4, 2013
November 18, 2013
December 9, 2013

2014

March 3, 2014

XV. Adjournment

At 10:40 P.M. on a motion by Paul Salafia and seconded Alex Vispoli, the Board of Selectmen voted to adjourn from the Regular Meeting of August 18, 2014. Roll call: Chairman Kowalski-Y and Selectmen Paul Salafia-Y, Mary O'Donoghue-Y, Alex Vispoli-Y.

Respectfully submitted,

Dee DeLorenzo

Recording Secretary

Documents: Andover Housing Authority Board Vacancy: Press Release of Vacancy, Interview questions, Talent Bank Forms received.
Retirement Board Vacancy: Press Release of Vacancy, Interview questions, Talent Bank Forms and resumes received.
Public Hearing Notice: Project Plans, Memo from Municipal Services Director Chris Cronin on petition of Bay State Gas to replace/extend gas mains (Lucerne Drive and Pine Street).
Memo and supporting documents re: Robert Park Property, 138 Chandler Road from Attorney Carol McGravey.
Summary of Northeast Municipal Gas Pipeline Coalition Meeting of Aug 11th.
Article XII. Miscellaneous Bylaws 11. Dogs and listing of proposed Animal Dog Park Rules and Regulations.